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**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
FIRE ENGINEERING DIVISION**



DRAFT

**Automatic Extinguishing Systems
Advisory Committee**

Meeting Minutes

Wednesday April 6, 2005

Committee Goal: To provide a means of communications between the Office of the State Fire Marshal, representatives of industry, the public and the fire service; and to seek comments and specific views on proposed regulations and intended future action.

Members Present:

Mike Richwine, Chair
James Parsegian, Program Coordinator
Yevonne Costa, Program Assistant
Chris Gilbert, Simplex Grinnell
Darrell Hefley, Jorgensen & Co.
Darrell Harguth, Brooks Fire Equipment
Sam Husoe, NFSA
Jim McLaughlin, Lund, Pearson, McLaughlin
Randy Dysart, Beacon Fire & Safety
Steve Hart, NAS-IP
Jim Feld, Feld Engineering
Fred Benn, Advanced Automatic Sprinkler, Inc.
Lorin Neyer, OSHPD
Wayne Martin, FSABSC
Jaymae Wentker, City of Mountain View
Russell Blair, Sacramento Metropolitan Fire District
Robert Blankenship, California Department of Corrections
Mike Waldron, Simplex-Grinnell
Gary Boyles, Rodeo-Hercules Fire District

Members Absent:

Dennis Grubb, Orange County Fire Authority
Robert Raymer, California Building Industry Association
David Casey, Department of State Architect
Scott McMillan, Alameda County Fire Department

Call to Order:

Division Chief Mike Richwine (Chair of the AES Advisory Committee) called the meeting to order at 10:02 a.m. at the Office of the State Fire Marshal, Sacramento in the Conference Room.

Roll Call:

Program Assistant Yevonne Costa called the roll of the AES Advisory Committee Members noting those present and those absent.

Self Introductions:

Chair Mike Richwine asked for self-introductions of those present, in order to introduce “new” Advisory Committee members and “old” Advisory Committee members alike.

Chair Mike Richwine announced that the Advisory Committee had new appointments, made by State Fire Marshal Ruben Grijalva in an effort to bring in a wider diverse representation and asked the Fire Service to become more involved in all the CSFM’s Advisory Committees.

Due to the late approval of these new members, notification of this meeting was not possible; however, they will be on the mailing lists and e-mail lists for future Advisory Committee Meetings/Activities. It was also noted that it is the intention of the State Fire Marshal to have at least one meeting in the Southern California area annually to accommodate those Committee members who must travel from the Southern California area to Sacramento in order to attend.

IV. Approval of Minutes (01-25-05):

Chair Richwine asked for approval of the meeting minutes (01-25-05) of the AES Advisory Committee, which was held in Sacramento, CA.

Comments:

Member Jim McLaughlin noted that the minutes indicated Chief Grijalva’s direction for adoption of NFPA-25 (under Old Business) there is no identification as to what they are. Chair Richwine indicated that this item would be amended with more detail as to what is being adopted. Chair Richwine stated that there is an effort to streamline the minutes of the various Advisory Committee’s, and that future minutes would have detailed “**ACTION ITEMS**” and “**MOTIONS**” noted.

Chair Richwine called for approval of the minutes as mailed, with the inclusion of the amendment noted above. A motion was made by Lorin Neyer, and seconded by Wayne Martin; the minutes were approved by unanimous vote of those in attendance.

V. **Old Business:**

1. **U/L-300 Update**

Program Coordinator James Parsegian utilized the AES Advisory Committee – U/L-300 Working Group Meeting Minutes (03-23-05) and copy of the “Express Terms” document.

Chairperson Richwine gave some background for the new Members who were not aware of how and why the U/L-300 Working Group was formed. It was noted that the CSFM was asked to give a code interpretation in regard to the provisions of commercial cooking equipment and the issue that none U/L-300 systems maybe a “Fire Hazard” if you change out the cooking medium and not change out the fire extinguishing system (protection).

He went on to state that the CSFM had put out an Information Bulletin, advising Industry and the Fire Service of the problem(s) and associated issues. He also indicated that the CSFM took the U/L-300 issue to the Fire and Life Safety Building Standards Advisory Board, and they requested that this issue be moved as an Emergency Regulation for the 2001 California Fire Code, CCR, Title-24, Part 9.

Chief Grijalva intervened (stopped the process) on this issue, indicating that there was not enough representation from the stakeholders in those decisions, and as a result, the AES Advisory Committee – U/L-300 Working Group was formed consisting of Fire Service, Fire Protection Industry, California Restaurant Assn., California Hotel and Lodging Assn, Schools, and Insurance Industry members.

As a result of that Working Groups efforts, and following the CSFM’s procedural process, the finished product is being brought back to the AES Advisory Committee for their review and approval before moving on to the SFM.

James Parsegian then discussed the written comments received from the proposal:

a) From Kern County Fire Department was a comment that in the Express Terms, Section 1005.2.2 Type of Systems. The statement “shall be installed in accordance with the mechanical code, their listing and the manufacturers’ instructions” found in 1005.2.2(3) should also relate to 1005.2.2(1) and (2) and that if the language was added at the end of Section 1005.2.2(3) it would be clear that such requirements are uniformly enforced.

“All systems shall be installed in accordance with the California Mechanical Code, their adopted NFPA Standards, and their applicable listing and the manufacturers’ installation instructions.”

Additionally, the Committee agreed that 1005.2.2(3) should be modified to state: “3) *Automatic Fire Sprinkler Systems*”
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b) From Darrell Harguth (Brooks Fire Equipment) made comments that an exception be added to Section 1005.2.4, which indicated that “*When Carbon dioxide extinguishing systems are installed, the ventilation system shall be shut down in the event of an activation.*”

It was agreed that between the California Mechanical Code, adopted NFPA Standards, and the Manufacturers’ Installation Instructions they will be addressing the issue of ventilation, thus the recommended exception would not be necessary.

c) Another comment received for consideration on these regulations was from the California Hotel and Lodging Association who had requested that automatic fire sprinkler systems (Section 1005.2.2(3) should be removed; however, because these extinguishing systems are currently in the California Fire Code this suggestion was not accepted by the AES Advisory Committee – U/L Working Group.

d) The last item was the issue of the approved sign “**FIRE PROTECTION SYSTEM SHALL BE ACTIVATED BEFORE USING THE FIRE EXTINGUISHER.**”

On a motion by Member Randy Dysart and a second by Lorin Neyer (Jim McLaughlin thirded the motion) the 2nd from the last paragraph in Section 1005.2.7 starting with “An approved sign shall be posted...” be removed from the U/L-300 Express Terms regulations. The motion carried unanimously by a voice vote of those members present.

e) After a lengthy discussion on the merits of the last paragraph in Section 1005.2.7, which starts “Additional fire extinguishers, required for the control....” Member Jim McLaughlin made a motion, seconded by Member Fred Benn to remove the entire statement as it is covered in Title-19.

James Parsegian handed out a copy of what the Fire Extinguisher Advisory Committee developed yesterday (04-05-05) in regard to similar language in Article 5, Section 573 of Title-19. According to Chair Richwine, Section 1005.2.7 will send you to Title-19 to address the issues we have been discussing.

Chair Richwine then noted that we have a motion, and a second to delete the above-referenced language in 1005.2.7 and called for the vote. The motion carried unanimously by the Advisory Committee.

f) The final item in reviewing the U/L–300 Express Terms amendments was a suggestion to strike the word “Chief” in the fourth paragraph of Section 1005.2.8 and replace it with “Authority Having Jurisdiction”.

Member Darrell Harguth stated that the Uniform Codes (UFC) typically have used the word “Chief” and that the NFPA typically uses “Authority Having Jurisdiction”.

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Note: *It is worthy of noting that the 2001 California Fire Code uses the word “Chief” with regard to responsibility for enforcement (Section 101.2.2.2 – page 1-1) and the 2003 International Fire Code uses the term “The Fire Code Official” with regard to general authority and responsibility (Section 103 and 104 – page 2).*

Member Steve Hart reminded everyone that in the late 1970’s-early 1980’s there was a case in the foothills of the Sacramento Valley, where a local Building Official was attempting to enforce the Fire Code and State Fire Marshal Regulations, and the State Fire Marshal at that time obtained written clarification from either the Attorney General or Office of Administrative Law (OAL) which clarified that the enforcement of “Fire Regulations” was limited to the “Chief”, or his/her delegated subordinate. In other words the authority was under the “Chief”. On a motion by Member Darrell Harguth, and second from Jim McLaughlin, the wording will remain as “Chief” and not “Authority Having Jurisdiction”. The motion carried with a unanimous vote by the Advisory Committee Members present.

Chair Richwine noted that on the last page of the U/L-300 Express Terms document from the AES Advisory Committee – U/L-300 Working Group was the word “(heads)” following the wording “Fusible links and automatic sprinkler (heads) protecting commercial....”.

After some discussion by Committee Members, it was determined that the word “head” was redundant and that the correct wording would be:

“Fusible links and automatic fire sprinklers protecting commercial....”

Member Steve Hart brought up the issue of electrical receptacles (Section 1005.2.4.1) and noted that within the past week or so, the [la-fm-fpo] server list has been swamped with several e-mails and jurisdictions attempting to clarify whether this section includes “all electrical receptacles, and lights” installed beneath a hood system. The Committee Members exchanged stories and comments regarding this issue.

Member Russell Blair raised a question on fusible links used for fire protection in conjunction with commercial cooking systems, and asked if frangible bulb links can be used. After many Members voiced their opinions, Member Randy Dysart tried to get in contact with someone who would have the answer. Pending the answer, Chair Richwine indicated that the package would be tabled, until we get an answer to that question. Returning to this item on the agenda following the discussion on the AES Manual (under New Business) Member Randy Dysart informed the Committee that his information with regard to frangible-bulbs was that some require replacement with the annual inspection, some every six months, while others are replaced based on the manufacturers’ maintenance instruction. He also indicated

that they are very seldom used. The last paragraph in Section 1005.2.8 addressing the issue of frangible-bulbs was revised to read:

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“Frangible-bulbs shall be changed in accordance with the manufacturers’ instructions.”

Having made that final change, Chair Richwine called for a motion to approve the U/L-300 Express terms, as discussed and amended. The motion was made by Member Jim McLaughlin, seconded by Member Randy Dysart, and the motion was approved by unanimous vote of the members present.

The U/L-300 Express Terms Package will be forwarded to the SFM, give it to CSFM’s Code Development Division, and then it will be included in the Building Standards Process. It was also announced that Gini Krippner has been brought back (as a retired annuitant) to work on the U/L-300 Package as well as the Title-19/NFPA-25 Package.

Member Jim Feld suggested a congratulations to the U/L-300 Working Group, and everyone agreed on a job well done.

2. Title-19/NFPA-25 Changes

James Parsegian referenced a letter, posted on the CDF-CSFM Website from Chief Grijalva, dated March 29, 2005 explaining his position with regard to the Title-19/NFPA-25 Working Group.

Chief Grijalva also has sent a letter to the Building Standards Fire and Life Safety Board, explaining his position and their position when he presented it to them, as to why he went against their recommendations to adopt NFPA-25 as written, and explaining why the California Amendments were deemed necessary and why the Title-19/NFPA-25 Working Group had recommended these changes.

The current status is currently in the hands of CSFM’s Code Development Division and unless they ask the AES Advisory Committee for clarification and/or assistance, the document is in their hands and proceeding through the Regulatory Process.

Member Fred Benn made a motion to thank Title-19/NFPA-25 Working Group Chair Jim Feld, and all the Working Group Members. Chair Richwine stated that he also echoed the comments by Fred and indicated that this Working Group has been working for 6- or 7-years on this project, a lot of hard work, a lot of rewrites, dealing with three different formats, lack of direction, and because of the hard work by the Working Group and especially Jim Feld, the project is nearing completion. Working Group Chair Jim Feld added that because of the hard work by the Working Group Members, we have developed this package.

Member Wayne Martin asked if there was any sort of timeline as to when this document will be approved? James Parsegian indicated that since this document will be going the Office of Administrative Law (OAL), as soon as the package is Automatic Extinguishing Advisory Committee
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developed, it will be forwarded to OAL, which is a much faster process then the CBSC. Chair Richwine suggested that it might take one year to see the process to a conclusion.

In discussing the California Edition of NFPA-25, James Parsegian asked if the AES Advisory Committee wants to put any code changes to the NFPA-25 Committee for the 2005 Edition of the document. In other words, do we want to push any California Amendments through the National Standard process? Member Jim Feld stated that the comment period is now open, and proposals are due no later than May 27, 2005.

Member Steve Hart recommended that as this document moves through the state's process, with the CSFM's Code Development Division and the Office of Administrative Law, that Chair Jim Feld be the "Point Guy" for addressing issues and questions as they are raised, so that we continue to maintain the details of why certain frequency changes, etc. where changed.

Member Jim Feld (Chair of the Title-19/NFPA-25 Working Group) suggested that the proposed changes being submitted should be divided into two groups; 1) Those that are "**substantial changes**": FDC Back-Flush Requirement, Old Standpipe, and 2) Those which are "**frequency changes**": which will require good hard evidence of why the change in frequency should be changed.

Member James Feld also noted that Title-19/NFPA-25 Phase II will be starting shortly, working on forms, tags/labels, and to create a standard form for the contractors to use statewide, rather than have forms developed by the contractors.

Member Jim Feld made a motion that recommended changes from this Advisory Committee for changes to NFPA-25 be submitted to the SFM and that these recommended changes would be sponsored and submitted by the CA State Fire Marshal (on "official" CA SFM Letterhead/Signature) to NFPA-25 Committee, no later than cutoff date of May 27, 2005. The motion was seconded by member Jim McLaughlin and Member Steve Hart seconded the motion. Chair Richwine called for the vote and the motion carried with unanimous vote of the Advisory Committee Members.

Member Jim Feld informed the Advisory Committee Members that he had been in contact with an NFPA Staff Liaison who indicated that he would be willing to come out to California to conduct the NFPA-25 Seminar for FREE to California.

VI. New Business:

1. Review of Revised AES Manual

James Parsegian asked everyone to refer to their Automatic Extinguishing Systems Manual, which was mailed out with the packet for this meeting. He indicated that the Manual was a DRAFT and never produced, and it has now been completed. He indicated that he would like to put the material on the CSFM Website.

Member Sam Husoe asked if the NFPA-25 document that the Title-19/NFPA-25 Working Group has been working on should be incorporated into the document. James Parsegian stated that the AES Manual is “current laws/regulations” while the NFPA-25 document is still a “proposed document” and has not been approved.

Member Fred Benn stated that he has a problem when reading H&S Code Section 13195 in that it states that “Every automatic fire sprinkler system”, including residential sprinkler systems, shall be service, tested, and maintained. Member Fred Benn stated that the liability involved in selling a house with a residential sprinkler system could result in a lawsuit if it isn’t being maintained in accordance with this Section. James Parsegian indicated that this is straight out of the H&S Code and therefore state law as it is currently written. Fred Benn indicated that there needs to be some research and possible clarification on this Section that these Service, Testing and Maintenance criteria (Title-19, Chapter 5) are for Commercial Systems and is being enforced statewide with that understanding.

Member Chris Gilbert asked for clarification as to what the Advisory Committee Members are suppose to do with the AES Manual. She asked if we were to review the document and make any comments and send them to James Parsegian and that we would then meet and discuss the issues and if valid, would go to Chief Grijalva who would then proceed to ask for clarification (Legislative Counsel or Office of Administrative Law) and that if the law (H&S Code) needed to be corrected, then the process would be undertaken to correct any issues which have been raised over the years by new codes, requirements, technology, etc.

Chair Richwine and James Parsegian clarified that neither the Advisory Committee nor the State Fire Marshal Staff can change the laws or regulations without going through the state process. The real reason for distributing this document to the Advisory Committee Members was to get their review and feedback on this information.

Member Darrell Harguth noted that Section 902.4. “E” Definitions (b) does not list “Clean Agents”.

James Parsegian asked that in reading the document, if you see anything which should be reviewed/addressed, please send him an e-mail:

James.Parsegian@ca.fire.gov He will correlate then together and establish a AES Advisory Committee – Regulation Working Group and proceed with putting together the different legislative and regulatory change packages to Title-19 and/or legislative changes to the Health & Safety Code and to proceed with the changes if they are warranted.

Member Fred Benn asked everyone to look at Section 904.6(a)(3) on Page 18 of the AES Manual which states: “A Flow shall be conducted using the inspectors test valve.” This should be the “alarm test valve”.

Member Lorin Neyer stated that if everyone would turn to page 7 of the AES Manual, Section 901. Scope states (last sentence: “*These regulations shall not apply to any of the following.*” and Item c) states: “*Automatic fire extinguishing systems installed in dwellings and lodging houses as defined in the 1979 Edition of the Uniform Building Code.*”

Member Wayne Martin brought forward another comment regarding the AES Manual Concept and suggested that the use of the underline typically is used to reflect a change in the codes/standards, and that by having such notations on the current laws and regulations gives the reader the idea that there is being proposed, or recent changes to the wording have taken place. He suggested that this may be editorial and that we simply delete the underlines. Everyone agreed.

Member Randy Dysart suggested that before it goes out, that the AES Manual have a date on the cover. Everyone agreed.

2. Comments regarding NFPA-25 or U/L-300:

James Parsegian also asked the Committee if there were any regulatory changes or problems with either NFPA-25 or the U/L-300 regulations, if so they should be emailed to the following addresses:

mailto: Proposednfpa25adoption@fire.ca.gov

mailto: Proposedul-300regulation@fire.ca.gov

3. MITTS Working Group (Update)

Member Steve Hart, who chairs the AES Advisory Committee – Working Group on Systems Approach to Maintenance, Inspection/ Testing and Service of Fire & Life

Safety Systems (MITS) gave a short historical overview of this Working Group. The Working Group has already met once (02-17-05) and is scheduled to meet on April 18, 2005 here in Sacramento. We will be working on a Training and Automatic Extinguishing Advisory Committee

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Education Program given statewide, a handout of the "Maintenance, Inspection/Testing, & Servicing" (MITS) section of the various NFPA Standards (21 of the), the Sections of CBC and CFC which address MITS, and the role of the local AHJ's in the enforcement of these provisions (currently adopted by the State and Local AHJ's). Member Wayne Martin asked if these classes are going into the detail of NFPA-25, NFPA-72, etc. and if so how can that be accomplished in one-day seminars. Member Steve Hart clarified that these classes are not intended to teach the Standards/Codes, but to identify those requirements which have been adopted which deal with MITS. Another point, which was discussed, was the concept of a CSFM's Fitter/Technician Certification Program; whereby the CSFM would issue certification to those individuals who are doing the work. We are not issuing a license to Contractors/Companies/Firms, but certifying those individuals who are performing the MITS on these various systems (similar to the Chiefs' Regulation No. 4 currently administered through the City of Los Angeles Fire Department). Member Steve Hart continued by indicating that State Legislation will be required to expand the role of the CSFM, not for certification because it already has that authority under Section 13196.5 of the Health and Safety Code; however, this law does not provide for the collection of fees to support the expanded program, beyond what is currently allowed. New legislation would be required to expand the funding source and to clearly outline the expanded certification program. Member Steve Hart also noted that the following members of the AES Advisory Committee sit on this MITS Working Group include: **Russell Blair, Randy Dysart, Jesse Franco, Chris Gilbert, Jim Feld, Darrell Harguth, Darrell Hefley, Sam Husoe, James McLaughlin, Barry Sigal, and Mike Waldron.** Other members of the MITS Working Group include: **Shane Clary, Michael Dillon, James Glew, Tom Harvey, Bill Hopple, John Lee, and David Stevens.** James Parsegian addressed several questions raised as to why we (the AES Advisory Committee) were getting into Fire Alarms, and other non-fire extinguishing systems and stated that the MITS Working Group concept was taken to the SFM and that he liked the idea and in-fact made it one of his five higher priorities for the CSFM. James Parsegian also stated that in talking with the Contractors State License Board (CSLB) they indicated that they have no problem with their licensing of Contractors and allowing other state agencies to issue licenses and/or certification to employees of those contractors (*as in the case of Asbestos Removal/Handling Certification through the Department of Health and Burglary Alarm Contractors who's employees must be licensed through the Department of Justice*). He also noted that because of workloads, the CSLB is involved in the enforcement of laws and issue dealing with construction, rather than those issues dealing with MITS.

Member Sam Husoe asked if NICET Certification would be acceptable to the CSFM's Certification Program? Steve Hart indicated that the Certification Task Team would be looking at those types of issues as it moves through the

research/development phase, as would the issue of Professional Engineers, who might be doing similar MITS type work.

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James Parsegian indicated that "**ANY**" Member of the AES Advisory Committee is welcome to participate in the MITS Working Group. The next meeting of the MITS Working Group will be April 18, 2005 here at the CSFM Conference Room.

VII. Open Forum/Exchange of Ideas:

James Parsegian asked that anyone who finds any problems in systems that can be documented as a violation, which would have been caught during the normal maintenance, inspection/testing and servicing of a system, whether that system is covered by Title-19/NFPA-25 and/or the MITS Working Group (21 Standards) should send any reports and/or information to him so we can start collecting data to support the two programs.

Send the information to:

James Parsegian, Senior DSFM
c/o Office of the State Fire Marshal
Post Office Box 944246
Sacramento, CA 94244-2460
or, James.Parsegian@fire.ca.gov

Member Steve Hart gave an update on SB-516 – Fire Sprinklers in Residential Care Facilities for the Elderly (RCFE's) noting that he attended a meeting yesterday (April 5, 2005) with Staff Director Jack Hailey, Senate Committee on Human Services who is doing the Staff Analysis for the bill. The meeting was well attended. One of the great points made at yesterdays meeting was that the fire that occurred in the City of Torrance (12-29-02 at 22:52-hours) at the Anchor Guest Home which resulted in 3-fatalities of elderly guests (*Fred Savage, Ed Dunn, and Emma Fine*) was found to have a typical homeowners insurance policy and as such, following the fire the Insurance Carrier refused to cover any losses due to the fact that the home (Single-Family Dwelling) was being run as a business, and as such the Homeowners/Business Owners had falsely obtain insurance. The other interesting finding was that the person drafting the Analysis, the Department of Social Services Staff, and several others in the room (outside the Fire Service Members present) had no clue of what a fire sprinkler was, the materials and/or components, and just how a fire sprinkler operated. We were able to give everyone a sprinkler head (thanks to Viking/SupplyNet) and a length of CPVC Pipe and Fitting to take back to their offices with them, along with a brochure that explained just how fire sprinkler systems operate.

Special Note: Since this AES Advisory Committee Meeting it must be noted that Senate Bill No. 516 was moved from the Senate Appropriations Committee Meeting to the Suspense File on 05/23/05.

VIII. **Next Meeting (Southern California):**

The next meeting will be held in Southern California (location to be determined) on Wednesday, August 24, 2005 with the meeting to start at 10:00 a.m. (10:00).

IX. **Meeting Adjourned:**

The meeting was adjourned at 2:00 p.m.